

DETAILED ACTION

1. This office action is in response to applicant's communication of August 18, 2010. Claims 1, 4, 7, 12-14, and 17-23 are pending and have been examined.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Williams on November 4, 2010.

The application has been amended as follows:

In the Claims

7. (Currently Amended) The method of claim 1 further comprising: querying, by the computer based system, the auction system to verify that the first bid exceeds ~~the~~ an amount of any previous bid for the first auction item; querying, by the computer based system, the auction system to verify that the first bid exceeds any minimum bid amount set for at the first auction item; and transmitting, by the computer based system, the first bid to the auction system.

Allowable Subject Matter

2. Claims 1, 4, 7, 12-14, and 17-23 are allowed.

3. The following is an examiner's statement of reasons for allowance for the Claims.

The claimed invention pertains to a system and method for facilitating a bid transaction over a computerized network using a rewards account balance from any type of cash rewards program. In an exemplary embodiment of the present invention, a participant applies rewards from their rewards account to bid on items in a closed online auction over a computerized network such as the internet. The online auction is open only to participants of a sponsoring or participating cash rewards program and only bids made with accumulated cash rewards are accepted. Further, the present invention provides a system and method for facilitating online management of a rewards account by the participant.

The closest prior art of record is US Pub No. 2007/0118461 A1 to Arkes.

Arkes discloses an incentive points-based on-line auction method is presented that is based upon an on-line system including a catalog of potential auction items and a database of participants that are eligible to take part in the auction and the participants' associated eligible points. The method includes designating a set of auction items from the catalog of potential auction items. Thereafter, participants submit bids via on-line access for the set of auction items. The auction facilities initially prompt a participant to logon to gain access to the auction. Authorized, logged on participants are then provided access to a database describing the auction items and current bid information. A participant may bid upon an auction item. In response, to receiving a bid from a participant, the auction facilities determine whether the participant has sufficient points

Art Unit: 3693

in a point bank to submit the bid. Proper new high bids are registered by the auction facilities. At the close of a period for an auction, the auction facilities notify the high bidders of their successful bids for particular auction items.

The instant application is distinguished from the prior art. Arkes does not teach “receiving, by the computer based system, a second bid on a second auction item being auctioned within the auction system, wherein the second bid is associated with the rewards account, placing, by the computer based system, the second bid for the second auction item; monitoring, by the computer based system, the first bid and the second bid, wherein a total bid amount of the first bid and the second bid exceeds the rewards account balance; receiving, by the computer based system, an indication from the auction system that at least one of the first bid is the winning bid for the first item and the second bid is the winning bid for the second item; reducing, by the computer based system, the rewards account balance by an amount corresponding to at least one of the first bid and the second bid, in response to the indication from the auction system, wherein the account balance is not greater than at least one of the first bid and the second bid which is still pending; and canceling, by the computer based system, at least one of the first bid and the second bid, in response the receiving the indication from the auction system”, as recited in independent claims 1, 22 and 23. Moreover, the missing claimed element from Arkes is not found in a reasonable number of reference(s).

Based on the reasoning above dependent claims 4, 7, 12-14, and 17-21 are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN POE whose telephone number is (571)272-9789. The examiner can normally be reached on Monday through Friday 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES KRAMER can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/708,592
Art Unit: 3693

Page 6

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Primary Examiner, Art Unit 3693